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8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. ID 2004 63915

12 ROMEL JASON MATEO BAYANI
66840 Vista Place
13 Desert Hot Springs, California 92240

A C C U S A T I O N

14 Physical Therapist Assistant License No.
AT 6615

15
16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Steven K. Hartzell (“Complainant”) brings this Accusation solely in his
21 official capacity as the Executive Officer of the Physical Therapy Board of California,
22 Department of Consumer Affairs.

23 2. On or about December 18, 2003, the Physical Therapy Board of California
24 issued physical therapist assistant license number AT 6615 to Romel Jason Mateo Bayani
25 (“Respondent”). This license was in full force and effect at all times relevant to the charges
26 brought herein and will expire on September 30, 2007, unless renewed. There is no record of
27 prior disciplinary action against this license.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (“Board”), under the authority of the following laws and regulations.

4. Business and Professions Code (“Code”) section 2609 states:

“The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter [chapter 5.7, commencing with section 2600].”

5. Section 2660 of the Code states, in pertinent part:

“The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than twelve months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

. . . .

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provisions or term of this chapter or of the State Medical Practice Act.”

. . . .

(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapy assistant.”

6. Section 2661 of the Code states:

“Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.”

7. Section 2262 of the Code states:

“Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

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“In addition to any other disciplinary action, the Division of medical Quality or the California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars (\$500) for a violation of this section.”

8. Section 810(a)(2) of the Code states:

“It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:

• • • •

(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.”

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COST RECOVERY

9. Section 2661.5 of the Code states:

“(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable cost of the investigation and prosecution of the case.

(b) The cost to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed cost specified in the proposed decisions.

(c) When the payment directed in an order for payment of cost is not made by the licensee, the board may enforce the order for payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay cost.

(d) In any jurisdictional action for the recovery of cost, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment....”

1 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable cost of the investigation
4 and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Dishonest or Corrupt Acts, Creation of False Documents)

7 11. Respondent was assigned by HCR Manor Care, a nursing home, to provide
8 physical therapy to patient C.R. in April 2004.

9 12. On or about April 16, 2004, Respondent falsely entered in a patient chart
10 that he had provided treatment for 60 minutes, from 2:00 p.m. to 3:00 p.m., to patient C.R. and
11 then entered the treatment on the billing log.

12 13. The physical therapy notes bore false information indicating that patient
13 C.R. received physical therapy on this date.

14 14. These documents were created in order to allow Respondent to be paid for
15 professional services which he did not render. In addition, these documents were prepared for
16 use in supporting claims for health insurance payments.

17 15. Respondent's conduct in creating and submitting false records of medical
18 treatment constituted dishonest or corrupt acts relating to the functions and duties of a physical
19 therapist, the creation of documents relating to the practice of medicine falsely representing the
20 existence of a state of facts, the creation of false medical records with fraudulent intent, and the
21 creation of writings and an intent to allow them to be presented in support of false insurance
22 claims.

23 16. Therefore, cause to discipline Respondent's physical therapy license exists
24 under section 2660(l) (dishonest or corrupt acts) and under section 2660(i) by virtue of multiple
25 violations of sections (creation of false documents).

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Creation of False Medical Records with Fraudulent Intent, False Insurance Claim)

3 17. Respondent is subject to disciplinary action for committing creation of
4 false medical records with fraudulent intent in violation of section 2262 of the Code and false
5 insurance claims in violation of section 810(a)(2) of the Code. The facts and circumstances are
6 alleged in paragraphs 11 through 16, inclusive. By reference these allegations are incorporated as
7 though set forth fully.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Physical Therapy Board of California issue a
11 decision:

12 1. Publicly Reproving Physical Therapist Assistant license number
13 AT 6615 issued to ROMEL JASON MATEO BAYANI;

14 2. Ordering Romel Jason Mateo Bayani to pay the Physical Therapy Board of
15 California the reasonable costs of the investigation and enforcement of this case, pursuant to
16 Business and Professions Code sections 2661.5 and 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: September 9, 2005

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20 Original Signed By:
21 STEVEN K. HARTZELL
22 Executive Officer
Physical Therapy Board of California
State of California

23 Complainant

24 Bayani Accusation.wpd
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